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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,873	09/18/2006	Wataru Ikeda	P36315-02	3675

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WASHINGTON, DC 20036

EXAMINER

DAZENSKI, MARC A

ART UNIT	PAPER NUMBER
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2621

NOTIFICATION DATE	DELIVERY MODE
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08/16/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/572,873	Applicant(s) IKEDA ET AL.	
	Examiner MARC DAZENSKI	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15, 16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15, 16 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12-18-09, 5-24-10, 6-2-10</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 18 December 2009 has been entered.

Response to Arguments

Applicant's arguments with respect to **claims 15-16 and 18** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsumagari et al (US PgPub 2003/0161615), hereinafter referred to as Tsumagari,

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in view of "Digital Video Broadcasting (DVB); Multimedia Home Platform (MHP) Specification 1.1.1" (NPL document), hereinafter referred to as "MHP Specification."

Regarding **claim 15**, Tsumagari discloses enhanced navigation system using digital information medium. Further, Tsumagari discloses a DVD video disc (1) comprising DVD-Video contents (10) as well as ENAV contents (30), the contents (10) comprising VMG/VTSI which is control data for one or more video contents VTS#1-VTS#n as well as the contents (30) allowing a user to play back the contents of each VTS by a method different from VMG/VTSI prepared by the provider and to play back while adding contents different from VMG/VTSI prepared by the provider, which reads on the claimed, "a recording medium storing thereon an indeed table and a plurality of operation mode objects," as disclosed at paragraphs [0058], [0062], and [0064]-[0065]; wherein:

ENAV contents (30) comprise playback information which contains a markup language, script language or the like, which describes playback methods of the ENAV contents data body and/or DVD-Video contents (10), the language used as the playback control information may be JavaScript, which reads on the claimed, "the index table shows a plurality of titles in correspondence with the plurality of operation mode objects, at least one of the operation mode objects being a first operation mode object that is for use in a movie mode, and at least another one of the operation mode objects being a second operation mode object that is for use in a virtual machine," as disclosed at paragraphs [0064]-[0066];

each title in DVD-Video disc (1) comprising playback control information PGCI in VTSI, which reads on the claimed, "the first operation mode object includes a navigation command that shows a control procedure," as disclosed at paragraph [0063]; and,

the ENAV playback information can contain file information of the ENAV contents (information of a file to be referred to, and information of a file to be referred to instead if the file to be referred to is not present or if a player does not have a function of decoding the file if that file is present), synchronization information (information used to control to play back the DVD-Video contents in connection or combination with that of the ENAV contents at a predetermined timing), and duration information (information indicating the display time range or timing range of the ENAV contents), which reads on the claimed, "the second operation mode object includes cache management information, and the cache management information shows, of files that compose applications, which file is to be read to a cache before audio-visual playback of the title corresponding to the second operation mode object when said title becomes a current title," as disclosed at paragraph [0067].

However, Tsumagari fails to disclose the cache management information includes a read priority level for determining a priority of the file to be read to the cache, the read priority level having one of a plurality of values. The examiner maintains it was well known to include the missing limitations, as taught by the MHP Specification.

The MHP Specification discloses that every "application" inner descriptor loop of the Application Information Table comprises an application descriptor, the syntax of which includes an application_priority value of 8 bits, the application_priority descriptor

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identifying a relative priority between applications, which reads on the claimed, "the cache management information includes a read priority level for determining a priority of the file to be read to the cache, the read priority level having one of a plurality of values," as disclosed at pages 225 and 227 (with particular emphasis on table 85 as well as the first 8 lines of page 227 drawn to "application_priority").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the medium of Tsumagari to specifically include the teachings of the MHP Specification, for the purpose of stopping a specific application when there are insufficient resources to continue running a set of applications.

Regarding **claim 16**, Tsumagari discloses enhanced navigation system using digital information medium. Further, Tsumagari discloses DVD-Video player (100) which plays back the contents of DVD-Video disc (1) comprising DVD-Video contents (10) and ENAV contents (30), which reads on the claimed, "a playback apparatus that performs playback of a title recorded on a recording medium, and execution of an application," as disclosed at paragraph [0058] and exhibited in figure 1; the apparatus comprising:

video playback engine (200) for playing back and processing the DVD-Video contents (10), which reads on the claimed, "a module manager operable to select, based on an index table, a title to become a current title from among a plurality of titles," as disclosed at paragraph [0088];

ENAV engine (300) for playing back and processing ENAV contents (30) and/or (30W), which reads on the claimed, “a module operable to execute the application,” as disclosed at paragraph [0088]; and,

the DVD-Video player reads the ENAV playback information prior to the ENAV contents data body (if an ENAV playback control method is read and stored in a memory in advance, a process of the ENAV contents data body can be started without any delay when the ENAV contents data body is read), which reads on the claimed, “the module, when a selection of the current title is made, reads to the cache the file shown in the cache management information in the operation mode object corresponding to the current title, before audio-visual playback of said title commences,” as disclosed at paragraph [0073].

Further, the remaining limitations of the claim (lines 6 through 17) are rejected in view of the explanation set forth in claim 15 above.

Regarding **claim 18**, the examiner maintains that the claim is merely the corresponding method to the apparatus of claim 16, and therefore the limitations of the claim are rejected in view of the explanation set forth in claim 16 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC DAZENSKI whose telephone number is (571)270-5577. The examiner can normally be reached on M-F, 9am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/MARC DAZENSKI/
Examiner, Art Unit 2621